

tive intention, which in fact it is, would be the writ of habeas corpus?

DELEGATE JAMES (presiding): Delegate Child.

DELEGATE CHILD: Well, if he did not choose, or if he could not furnish bail, or if he decided that he did not want to furnish bail, if he wanted to make the State show cause, under the law the judge must hear a writ of habeas corpus very, very promptly.

DELEGATE JAMES (presiding): Delegate Grant.

DELEGATE GRANT: Judge Child, assuming that section B was kept in the constitution, would it be acceptable to you if the words were added to it, "unless public safety would otherwise require"?

DELEGATE JAMES (presiding): Delegate Child.

DELEGATE CHILD: Well, I think it would be very unwise to keep it in there at all under the present language.

DELEGATE JAMES (presiding): Delegate Cicone.

DELEGATE CICONE: Judge Child, in view of some of the questions asked about whether you thought it was proper that a rich man who could afford bail—

DELEGATE CHILD: Pardon me, I did not hear the first part of the question.

DELEGATE CICONE: I am a little mixed up on some of these questions.

I thought I had it clear. I would like to ask this question about section 8. There has been much said here that if a man had money and could pay his bail to be released, for the same crime that a poor man could not pay bail, the poor man would not be released.

Under section 8 where it says excessive bail shall not be required, this does not mean excessive bail, but under section 8 if it was at the discretion of the court, a man could still be released on his own recognizance without any bail, could he not?

DELEGATE JAMES (presiding): Delegate Child.

DELEGATE CHILD: Under either section.

DELEGATE JAMES (presiding): Delegate Cicone.

DELEGATE CICONE: Under section 8, it would not necessarily mean that you

would have this stated specifically, that he shall be released. You could also have the same result under section A of section 8, not excessive bail but no bail. He could still be released, could he not?

DELEGATE JAMES (presiding): Delegate Child.

DELEGATE CHILD: Of course, his own recognizance is really bail, but it is a bond signed by himself with no security.

DELEGATE JAMES (presiding): Delegate Cicone.

DELEGATE CICONE: No monetary security, that is correct. But you could accomplish what you want to accomplish in section B under section 8 for the so-called rich man versus poor man, is that not correct?

DELEGATE JAMES (presiding): Delegate Child.

DELEGATE CHILD: Absolutely, you could accomplish anything under section 8 that you could accomplish under this.

DELEGATE JAMES (presiding): Delegate Cicone.

DELEGATE CICONE: Then it is my understanding that in section B of section 5, you make it almost mandatory that a man must be released. Is that right?

DELEGATE JAMES (presiding): Delegate Child.

DELEGATE CHILD: That is correct.

DELEGATE JAMES (presiding): Delegate Clagett.

DELEGATE CLAGETT: Delegate Child, I want to refer to one of your answers to Delegate Key a few minutes ago.

Referring to the latter part of section B, if the judge concludes that no terms or any amount of bail would secure the appearance of an individual defendant accused before the court, would he have any discretion whatsoever to incarcerate or would he be required to release under the terms of section B?

DELEGATE JAMES (presiding): Delegate Child.

DELEGATE CHILD: I think that he would, Delegate Clagett, and that is my main objection to the language under this section.

DELEGATE CLAGETT: In other words, he would be required to release that man after determining a standard which would